IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2434 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

1 to 5 NO

JYOTSNABEN CHINUBHAI MODI

Versus

HARESHBHAI GONDALIYA MANAGING TRUSTEE

Appearance:

1. Special Civil Application No. 2434 of 2002

MR PK SHUKLA for Petitioner No. 1

MR RM PARMAR for Respondent No. 1

MRS SONAL D VYAS AGP for Respondent No. 2

CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 18/04/2002

ORAL JUDGEMENT

1. RULE. The learned counsel for the respondent waived service.

2. The learned Assistant Government Pleader Mrs.Vyas submitted an affidavit-in-reply explaining the reasons for the delay in the recovery. The same is taken on record. It was submitted by the learned Assistant Government Pleader that a cheque for the sum of Rs.11,025/- was received from the respondent No.1-Trust and the same sum shall be deposited in the Court of Payment of Wages Authority, Ahmedabad for the purpose of being disbursed to the petitioner. The learned counsel for the petitioner submitted that as soon as the amount is credited in the account of the Payment of Wages Authority, necessary application for withdrawal of the same would be made by the petitioner and, therefore, the petition, now, does not survive.

3. The learned counsel for the respondent-Trust Mr.Parmar submitted that the respondent had certain objections about the original order as well as the payment being made to the petitioner and an application for review in that regard was already filed. The respondent No.1 shall be at liberty to pursue that.

4. In the above facts and circumstances, the petition, admittedly, does not survive and, in view of the notice issued by the Resident Deputy Collector, Ahmedabad, no further actions are required to be taken. Accordingly, the petition is disposed and Rule is discharged with no order as to costs. The parties shall have the liberty to apply in case of difficulty.

Sd/-

(D.H.Waghela, J.)

18.4.2002

(KMG Thilake)